

REMARKS

Priority

A certified copy of the European application, as required by 35 U.S.C. § 119(d), was filed with the response for Application No. 10/785,277.

Claim Status

Claims 1-12 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 is amended by deleting "film-like" and "said particles having." Claim 1 is further amended by inserting "of a sprayed on layer of particles of chitosan material, wherein said chitosan material spans across void spaces located on or within the absorbent member and at least partially covers constituent materials of the absorbent material, wherein said particles of chitosan have" following the word "region." Support for the amendment can be found on page 13 lines 24-27, page 14 lines 14-19, and page 18 lines 12-17.

Claims 2-6 and 10-12 are amended by deleting the words "film-like."

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 U.S.C. § 112, Second Paragraph

The Office Action States the Claim 1 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants have amended Claim 1 to more clearly describe the structure of the claimed invention. Claims 2-6 and 10-12 are amended and the references to "film-like" materials are deleted. Applicants respectfully request that the rejections under 35 U.S.C. § 112 second paragraph be withdrawn.

Rejection Under 35 U.S.C. § 103(a) Over Kelkenberg in view of Kellenberger et al. and Sackmann et al.

Claims 1-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelkenberg (U.S. Patent No. 5,496,933) in view of Kellenberger et al. (U.S. Patent No. 4,699,823) and Sackmann et al. (U.S. Patent No. 5,635,569). Claim 1 is amended by deleting “film-like” and “said particles having.” Claim 1 is further amended by inserting “of a sprayed on layer of particles of chitosan material, wherein said chitosan material spans across void spaces located on or within the absorbent member and at least partially covers constituent materials of the absorbent material, wherein said particles of chitosan have ” following the word “region.” Support for the amendment can be found on page 13 lines 24-27, page 14 lines 14-19, and page 18 lines 12-17. The Kelkenberg, Kellenberger et al., and Sackmann et al. references when combined fail to teach or suggest all of the claim limitations of the present invention. Kelkenberg, Kellenberger et al., and Sackmann et al. fail to teach or suggest a sprayed on layer of particles of chitosan material wherein said chitosan material spans across void spaces located on or within the absorbent member and at least partially covers constituent materials of the absorbent material, wherein said particles of chitosan have a particle size distribution with a mean diameter $D(v,0.9)$ of not more than about 300 μm . Kelkenberg, Column 2 lines 25-27, describes the chitosan as a powder. Sackmann et al. describes the superabsorbent polymer as being a powder (Column 4 lines 61-62). Figures 2-6 of Kellenberger et al. illustrate the superabsorbent polymer as a powder. The powders of Kelkenberg, Kellenberger et al., and Sackmann et al. would rest in the void spaces within the absorbent member but would not have the structure of a layer that spans across void spaces and partially covers the constituent materials of the absorbent member. Because the Kelkenberg, Kellenberger et al., and Sackmann et al. references, when combined, fail to teach or suggest all the claim limitations of the present invention, the Applicants submit that Claim 1 is patentable over Kelkenberg in view of Kellenberger et al. and Sackmann et al. and Applicants respectfully request that the rejections under 35 U.S.C. § 103(a) be withdrawn.

Because Claim 1 is patentable, Claims 2-12, which depend upon Claim 1, are also patentable over the cited references and the Applicants respectfully request that the rejections under 35 U.S.C. § 103(a) be withdrawn.

Response to Double Patenting Rejection

Claims 1-12 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,833,487 in view of Kellenberger et al. and Sackmann et al. Claim 1 as amended recites “a sprayed on layer of particles of chitosan material, wherein said chitosan material spans across void spaces located on or within the absorbent member and at least partially covers constituent materials of the absorbent material.” U.S. Patent No. 6,833,487, Kellenberger et al., and Sackmann et al. references when combined fail to teach or suggest all of the claim limitations of the present invention. None of the cited references teach or suggest a sprayed on layer of particles of chitosan material, wherein said chitosan material spans across void spaces located on or within the absorbent member and at least partially covers constituent materials of the absorbent material. Therefore, the Applicants submit that the obviousness-type double patenting rejection of Claims 1-12 over U.S. Patent No. 6,833,487 in view of Kellenberger et al. and Sackmann et al. should be withdrawn.

Claims 1-12 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,867,287 in view of Kellenberger et al. and Sackmann et al. Claim 1 as amended recites “a sprayed on layer of particles of chitosan material, wherein said chitosan material spans across void spaces located on or within the absorbent member and at least partially covers constituent materials of the absorbent material.” U.S. Patent No. 6,867,287, Kellenberger et al., and Sackmann et al. references when combined fail to teach or suggest all of the claim limitations of the present invention. None of the cited references teach or suggest a sprayed on layer of particles of chitosan material, wherein said chitosan material spans across void spaces located on or within the absorbent member and at least partially covers constituent materials of the absorbent material. Therefore, the Applicants submit that the obviousness-type double patenting rejection of Claims 1-12 over U.S. Patent No. 6,867,287 in view of Kellenberger et al. and Sackmann et al. should be withdrawn.

Claims 1-12 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,887,564 in view of Kellenberger et al. and Sackmann et al. Claim 1 as amended recites “a sprayed on layer of particles of chitosan material, wherein said chitosan material spans across void spaces located on or within the absorbent member and at least partially covers constituent materials of the absorbent material.” U.S. Patent No. 6,887,564, Kellenberger et al., and Sackmann et al. references when combined fail to teach or suggest all of the claim limitations of the present invention. None of the cited references teach or suggest a sprayed on layer of particles of chitosan material, wherein said chitosan material spans across void spaces located on or within the absorbent member and at least partially covers constituent materials of the absorbent material. Therefore, the Applicants submit that the obviousness-type double patenting rejection of Claims 1-12 over U.S. Patent No. 6,887,564 in view of Kellenberger et al. and Sackmann et al. should be withdrawn.

Applicant agrees to submit a Terminal Disclaimer to obviate a provisional double patenting rejection over Application 10/785,277 upon notice of allowable subject matter.

Claims 1-12 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application 11/021,634. Claim 1 as amended recites “a sprayed on layer of particles of chitosan material, wherein said chitosan material spans across void spaces located on or within the absorbent member and at least partially covers constituent materials of the absorbent material.” Application 11/021,634 fails to teach or suggest all of the claim limitations of the present invention. Application 11/021,634 fails to teach or suggest a sprayed on layer of particles of chitosan material, wherein said chitosan material spans across void spaces located on or within the absorbent member and at least partially covers constituent materials of the absorbent material. Therefore the Applicants submit that the obviousness-type double patenting rejection of Claims 1-12 over Application 11/021,634 should be withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. § 112 second paragraph, 35 U.S.C. § 103(a), and

Appl. No. 10/785,464
Atty. Docket No. CM2601MC
Amdt. dated November 15, 2005
Reply to Office Action of August 15, 2005
Customer No. 27752

the double patenting rejections. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-12 are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

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Date: November 15, 2005
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